

By

*[Signature]*

*[Signature]*

J.R. No. 102

1 proposing a constitutional amendment relating to the compensation

2 of the lieutenant governor and members of the legislature.

3 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4 SECTION 1. Article III, Section 24, of the Texas  
5 Constitution is amended to read as follows:

6 Sec. 24. (a) Members of the Legislature shall receive from  
7 the Public Treasury a salary equal to one-fourth of the salary  
8 provided by law for the Governor [~~of Six Hundred Dollars (\$600) per~~  
9 ~~month~~]. The Speaker of the House of Representatives shall receive  
10 an additional salary in the same amount for serving as Speaker.

11 Each member shall also receive a per diem of Thirty Dollars (\$30)  
12 for each day during each Regular and Special Session of the  
13 Legislature.

14 (b) No Regular Session shall be of longer duration than one  
15 hundred and forty (140) days.

16 (c) In addition to the per diem the Members of each House  
17 shall be entitled to mileage at the same rate as prescribed by law  
18 for employees of the State of Texas. [~~This amendment takes effect~~  
19 ~~on April 22, 1975.~~]

20 SECTION 2. Article IV, Section 17, of the Texas Constitution  
21 is amended to read as follows:

22 Sec. 17. (a) If, during the vacancy in the office of  
23 Governor, the Lieutenant Governor should die, resign, refuse to  
24 serve, or be removed from office, or be unable to serve; or if he

1 shall be impeached or absent from the State, the President of the  
2 Senate, for the time being, shall, in like manner, administer the  
3 Government until he shall be superseded by a Governor or Lieutenant  
4 Governor.

5 (b) The Lieutenant Governor shall receive a salary equal to  
6 one-half of the salary provided by law for the Governor and, while  
7 he acts as President of the Senate, shall receive for his services  
8 the same [~~compensation-and~~] mileage which shall be allowed to the  
9 members of the Senate, and no more[~~,--and--during-the-time-he~~  
10 ~~administers-the-Government,-as-Governor,-he-shall-receive--in--like~~  
11 ~~manner-the-same-compensation-which-the-Governor-would-have-received~~  
12 ~~had-he-been-employed-in-the-duties-of-his-office,-and-no-more~~]. An  
13 increase in the emoluments of the Lieutenant Governor does not make  
14 a member of the Legislature ineligible for the office under Article  
15 III, Section 18, of this constitution.

16 (c) The President, for the time being, of the Senate, shall,  
17 during the time he administers the Government, receive in like  
18 manner the same compensation, which the Governor would have  
19 received had he been employed in the duties of his office.

20 SECTION 3. This proposed constitutional amendment shall be  
21 submitted to the voters at an election to be held November 7, 1989.  
22 The ballot shall be printed to provide for voting for or against  
23 the proposition: "The constitutional amendment to set the salary  
24 of the lieutenant governor and the speaker of the house of  
25 representatives at one-half of the governor's salary and to set the  
26 salary of a member of the legislature at one-fourth of the  
27 governor's salary."

# HOUSE COMMITTEE REPORT

1st Printing

By Hudson of Smith, et al.

H.J.R. No. 102

Substitute the following for H.J.R. No. 102:

By Oakley

C.S.H.J.R. No. 102

## A JOINT RESOLUTION

proposing a constitutional amendment relating to the compensation of the lieutenant governor and members of the legislature.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article III, Section 24, of the Texas Constitution is amended to read as follows:

Sec. 24. (a) Members of the Legislature shall receive from the Public Treasury a salary equal to one-fourth of the salary provided by law for the Governor [~~of Six Hundred Dollars - (\$600) - per month~~]. The Speaker of the House of Representatives shall receive an additional salary in the same amount for serving as Speaker. Each member shall also receive a per diem of Thirty Dollars (\$30) for each day during each Regular and Special Session of the Legislature.

(b) No Regular Session shall be of longer duration than one hundred and forty (140) days.

(c) In addition to the per diem the Members of each House shall be entitled to mileage at the same rate as prescribed by law for employees of the State of Texas. [~~This amendment takes effect on April 22, 1975.~~]

(d) Until the convening of the Regular Session of the 72nd Legislature in 1991, the Members of the Legislature and the Speaker of the House of Representatives shall receive compensation in the amounts prescribed by law on January 1, 1989. This subsection expires January 1, 1992.

1       SECTION 2. Article IV, Section 17, of the Texas Constitution  
2 is amended to read as follows:

3       Sec. 17. (a) If, during the vacancy in the office of  
4 Governor, the Lieutenant Governor should die, resign, refuse to  
5 serve, or be removed from office, or be unable to serve; or if he  
6 shall be impeached or absent from the State, the President of the  
7 Senate, for the time being, shall, in like manner, administer the  
8 Government until he shall be superseded by a Governor or Lieutenant  
9 Governor.

10       (b) The Lieutenant Governor shall receive a salary equal to  
11 one-half of the salary provided by law for the Governor and, while  
12 he acts as President of the Senate, shall receive for his services  
13 the same [compensation-and] mileage which shall be allowed to the  
14 members of the Senate, and no more[---and---during---the---time---he  
15 administers---the---Government,---as-Governor,---he-shall-reeive-in-like  
16 manner-the-same-compensation-which-the-Governor-would-have-reeived  
17 had-been-employed-in-the-duties-of-his-office,---and---no---more]. An  
18 increase in the emoluments of the Lieutenant Governor does not make  
19 a member of the Legislature ineligible for the office under Article  
20 III, Section 18, of this constitution.

21       (c) The President, for the time being, of the Senate, shall,  
22 during the time he administers the Government, receive in like  
23 manner the same compensation, which the Governor would have  
24 received had he been employed in the duties of his office.

25       (d) Until the first day of the term of office of Lieutenant  
26 Governor that begins in 1991, the Lieutenant Governor shall receive  
27 compensation in the amount prescribed by law on January 1, 1989.

1    This subsection expires on January 1, 1992.

2            SECTION 3.    This    proposed constitutional amendment shall be  
3    submitted to the voters at an election to be held November 7, 1989.  
4    The ballot shall be printed to provide for voting for or against  
5    the proposition: "The constitutional amendment to limit the salary  
6    of the lieutenant governor and the speaker of the house of  
7    representatives to not more than one-half of the governor's salary  
8    and to limit the salary of a member of the legislature to not more  
9    than one-fourth of the governor's salary."

# COMMITTEE REPORT

The Honorable Gib Lewis  
Speaker of the House of Representatives

4 - 24 - 89

(date)

Sir:

We, your COMMITTEE ON STATE AFFAIRS,

to whom was referred HJR 102 have had the same under consideration and beg to report  
(measure)

back with the recommendation that it

do pass, without amendment.

( ) do pass, with amendment(s).

☒ do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.

A fiscal note was requested. ☒ yes ( ) no

An actuarial analysis was requested. ( ) yes ☒ no

An author's fiscal statement was requested. ( ) yes ☒ no

A criminal justice policy impact statement was prepared. ( ) yes ☒ no

A water development policy impact statement was requested. ( ) yes ☒ no

( ) The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars for placement on the ( ) Local, ( ) Consent, or ( ) Resolutions Calendar.

This measure ( ) proposes new law. ☒ amends existing law.

House Sponsor of Senate Measure \_\_\_\_\_

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Laney, Ch.			X	
Guerrero, V.C.	X			
Tallas, C.B.O.	X			
Cain	X			
Gibson				X
Harrison	X			
Hilbert	X			
Hury				X
Jones	X			
Oakley				X
Perez	X			
Saunders				X
Smith, T.	X			

Total

8 aye

0 nay

1 present, not voting

4 absent

Gib Lewis  
CHAIRMAN  
Debra K. Wall  
COMMITTEE COORDINATOR

## BILL ANALYSIS

### BACKGROUND

Currently, the salary for members of the legislature is constitutionally set at \$7,200 per year. This constitutional limitation has resulted in a relatively low level of pay for Texas legislators. Texas ranks last in the level of legislative compensation when compared to the ten most populous states. The present salary, \$600 per month, has not been changed since 1975 when voters last approved an increase from \$400. Of the 22 proposals to change the level of compensation submitted to the voters since 1881, only four have passed.

The intent of the constitutional limitation on legislator's salaries was consistent with the reality of a citizen, largely rural legislature that existed in the state during its first century. Members could easily afford to leave their occupations for the required 140 days every two years to serve in the legislature.

This situation, however, no longer exists. The growth in the role of state government and the changed relationship of federal, state, and local government has had a major impact on the level of activity and the complexity of issues faced in the state legislature. The increased commitment of time required to serve in the legislature has meant more time away from the job and an increased reliance on the legislative salary. Over the last 20 years, only the 66th Legislature (1979-80) has met the minimum 140 days every two years.

Given the lack of a pay increase over the last 14 years, legislators have seen the purchasing power of their salary decrease by 53%. In other words, the purchasing power of legislators' salaries has fallen to \$3,379 in real terms relative to the 1975 salaries of \$7,200.

### PURPOSE

This resolution proposes a constitutional amendment that would set legislators' salaries at one-fourth the salary of the Governor. The salary of the Speaker of the House and the Lieutenant Governor's salary would be set at one-half the salary of the Governor.

### RULEMAKING AUTHORITY

It is the opinion of the committee that this bill delegates no rulemaking authority to any state agency, officer, department or institution.

### SECTION-BY-SECTION ANALYSIS

SECTION 1: Amends Article III, Section 24, of the Texas Constitution to read that members of the Legislature shall receive a salary equal to one-fourth of the salary provided by law for the Governor. The Speaker of the House of Representatives shall receive an additional salary in the same amount for serving as Speaker.

SECTION 2: Amends Article IV, Section 17, of the Texas Constitution to read that the Lieutenant Governor shall receive a salary equal to one-half of the salary provided by law for the Governor. An increase in the emoluments of the Lieutenant Governor does not make a member of the Legislature ineligible for the office under Article III, Section 18, of the constitution.

SECTION 3: Provides that the proposed constitutional amendment shall be submitted to the voters at an election to be held November 7, 1989.

#### Summary of Committee Action

On April 14, 1989, the Chair referred HJR102 directly to the subcommittee on Legislative Affairs.

On April 24, 1989, pursuant to an announcement from the floor of the House, the subcommittee convened in a formal meeting and voted to report HJR 102 to the full committee, with a complete substitute and with the recommendation it do pass by a record vote of 3 ayes and no nays.

On April 24, 1989, the full committee, in a public hearing called in accordance with the Rules of the House, considered HJR 102 on subcommittee report pursuant to a suspension of the 48 hour layout rule on the floor of the House. At that time the committee voted to report HJR 102 to the full House, with a complete substitute and with the recommendation it do pass by a record vote of 8 ayes, no nays, 1 PNV and 4 members absent.

#### Comparison of the Original to the Substitute

The substitute adds a provision that provides that the members of the Legislature shall receive the salary set by law on January 1, 1989 until the Regular Session of the 72d Legislature convenes in January of 1991. This provision shall also apply to the Lt. Governor and the Speaker.



# LEGISLATIVE BUDGET BOARD

Austin, Texas

## FISCAL NOTE

April 24, 1989

TO: Honorable James E. "Pete" Laney, Chair      In Re: House Joint  
Committee on State Affairs      Resolution No. 102  
House of Representatives      By: D. Hudson, et al.  
Austin, Texas

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on House Joint Resolution No. 102 (proposing a constitutional amendment relating to the compensation of the lieutenant governor and members of the legislature) this office has determined the following:

The resolution proposes a constitutional amendment which, if adopted, would set the salary of members of the Legislature at one-fourth of the Governor's salary and set the salary for the Lieutenant Governor and the Speaker of the House of Representatives at one-half of the Governor's salary.

The salary increase for the Lieutenant Governor would not make members of the Legislature ineligible for the office of Lieutenant Governor.

The proposed amendment would be submitted to the voters on November 7, 1989.

The cost of publication of the resolution to the State is estimated to be \$60,000.

The probable cost of implementing the provisions of the bill during each of the first five years following passage is estimated as follows:

<u>Fiscal Year</u>	<u>Probable Cost Out of the General Revenue Fund</u>
1990	\$3,536,000
1991	3,536,000
1992	3,536,000
1993	3,536,000
1994	3,536,000

The fiscal implication to the State would depend on the salary of the Governor as set in the General Appropriations Act. The estimate assumes if the Governor's salary is continued at the current level.

No fiscal implication to units of local government is anticipated.

Criminal Justice Policy Impact Statement: No change in the sanctions applicable to adults convicted of felony crimes is anticipated.

Source: Comptroller of Public Accounts;  
LBB Staff: JO, JWH, AL, RS, PA

# HOUSE COMMITTEE REPORT

1st Printing

By Hudson of Smith, et al.

H.J.R. No. 102

Substitute the following for H.J.R. No. 102:

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## A JOINT RESOLUTION

1 proposing a constitutional amendment relating to the compensation  
2 of the lieutenant governor and members of the legislature.

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7 the Public Treasury a salary equal to one-fourth of the salary  
8 provided by law for the Governor [~~of Six Hundred Dollars - (\$600) - per~~  
9 ~~month~~]. The Speaker of the House of Representatives shall receive  
10 an additional salary in the same amount for serving as Speaker.  
11 Each member shall also receive a per diem of Thirty Dollars (\$30)  
12 for each day during each Regular and Special Session of the  
13 Legislature.

14 (b) No Regular Session shall be of longer duration than one  
15 hundred and forty (140) days.

16 (c) In addition to the per diem the Members of each House  
17 shall be entitled to mileage at the same rate as prescribed by law  
18 for employees of the State of Texas. [~~This amendment takes effect~~  
19 ~~on April 22, 1975.~~]

20 (d) Until the convening of the Regular Session of the 72nd  
21 Legislature in 1991, the Members of the Legislature and the Speaker  
22 of the House of Representatives shall receive compensation in the  
23 amounts prescribed by law on January 1, 1989. This subsection  
24 expires January 1, 1992.

SECTION 2. Article IV, Section 17, of the Texas Constitution is amended to read as follows:

Sec. 17. (a) If, during the vacancy in the office of Governor, the Lieutenant Governor should die, resign, refuse to serve, or be removed from office, or be unable to serve; or if he shall be impeached or absent from the State, the President of the Senate, for the time being, shall, in like manner, administer the Government until he shall be superseded by a Governor or Lieutenant Governor.

(b) The Lieutenant Governor shall receive a salary equal to one-half of the salary provided by law for the Governor and, while he acts as President of the Senate, shall receive for his services the same [compensation-and] mileage which shall be allowed to the members of the Senate, and no more[;--and--during--the--time--he administers--the--Government,--as-Governor,--he-shall-receive-in-like manner-the-same-compensation-which-the-Governor-would-have-received had-been-employed-in-the-duties-of-his-office,--and--no--more]. An increase in the emoluments of the Lieutenant Governor does not make a member of the Legislature ineligible for the office under Article III, Section 18, of this constitution.

(c) The President, for the time being, of the Senate, shall, during the time he administers the Government, receive in like manner the same compensation, which the Governor would have received had he been employed in the duties of his office.

(d) Until the first day of the term of office of Lieutenant Governor that begins in 1991, the Lieutenant Governor shall receive compensation in the amount prescribed by law on January 1, 1989.

1 This subsection expires on January 1, 1992.

2       SECTION 3.   This proposed constitutional amendment shall be  
3 submitted to the voters at an election to be held November 7, 1989.  
4 The ballot shall be printed to provide for voting for or against  
5 the proposition: "The constitutional amendment to limit the salary  
6 of the lieutenant governor and the speaker of the house of  
7 representatives to not more than one-half of the governor's salary  
8 and to limit the salary of a member of the legislature to not more  
9 than one-fourth of the governor's salary."

COMMITTEE REPORT

The Honorable Gib Lewis  
Speaker of the House of Representatives

4 - 24 - 89  
(date)

Sir:

We, your COMMITTEE ON STATE AFFAIRS,

to whom was referred HJR 102 have had the same under consideration and beg to report  
(measure)  
back with the recommendation that it

do pass, without amendment.  
( ) do pass, with amendment(s).  
☒ do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.

A fiscal note was requested. ☒ yes ( ) no An actuarial analysis was requested. ( ) yes ☒ no

An author's fiscal statement was requested. ( ) yes ☒ no

A criminal justice policy impact statement was prepared. ( ) yes ☒ no

A water development policy impact statement was requested. ( ) yes ☒ no

( ) The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars for placement on the ( ) Local, ( ) Consent, or ( ) Resolutions Calendar.

This measure ( ) proposes new law. ☒ amends existing law.

House Sponsor of Senate Measure \_\_\_\_\_

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Laney, Ch.			X	
Guerrero, V.C.	X			
Tallas, C.B.O.	X			
Cain	X			
Gibson				X
Harrison	X			
Hilbert	X			
Hury				X
Jones	X			
Oakley				X
Perez	X			
Saunders				X
Smith, T.	X			

Total  
8 aye  
0 nay  
1 present, not voting  
4 absent

[Signature]  
CHAIRMAN  
[Signature]  
COMMITTEE COORDINATOR

## BILL ANALYSIS

### BACKGROUND

Currently, the salary for members of the legislature is constitutionally set at \$7,200 per year. This constitutional limitation has resulted in a relatively low level of pay for Texas legislators. Texas ranks last in the level of legislative compensation when compared to the ten most populous states. The present salary, \$600 per month, has not been changed since 1975 when voters last approved an increase from \$400. Of the 22 proposals to change the level of compensation submitted to the voters since 1881, only four have passed.

The intent of the constitutional limitation on legislator's salaries was consistent with the reality of a citizen, largely rural legislature that existed in the state during its first century. Members could easily afford to leave their occupations for the required 140 days every two years to serve in the legislature.

This situation, however, no longer exists. The growth in the role of state government and the changed relationship of federal, state, and local government has had a major impact on the level of activity and the complexity of issues faced in the state legislature. The increased commitment of time required to serve in the legislature has meant more time away from the job and an increased reliance on the legislative salary. Over the last 20 years, only the 66th Legislature (1979-80) has met the minimum 140 days every two years.

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### PURPOSE

This resolution proposes a constitutional amendment that would set legislators' salaries at one-fourth the salary of the Governor. The salary of the Speaker of the House and the Lieutenant Governor's salary would be set at one-half the salary of the Governor.

### RULEMAKING AUTHORITY

It is the opinion of the committee that this bill delegates no rulemaking authority to any state agency, officer, department or institution.

### SECTION-BY-SECTION ANALYSIS

SECTION 1: Amends Article III, Section 24, of the Texas Constitution to read that members of the Legislature shall receive a salary equal to one-fourth of the salary provided by law for the Governor. The Speaker of the House of Representatives shall receive an additional salary in the same amount for serving as Speaker.

SECTION 2: Amends Article IV, Section 17, of the Texas Constitution to read that the Lieutenant Governor shall receive a salary equal to one-half of the salary provided by law for the Governor. An increase in the emoluments of the Lieutenant Governor does not make a member of the Legislature ineligible for the office under Article III, Section 18, of the constitution.

SECTION 3: Provides that the proposed constitutional amendment shall be submitted to the voters at an election to be held November 7, 1989.

#### Summary of Committee Action

On April 4, 1989, the Chair referred HJR102 directly to the subcommittee on Legislative Affairs.

On April 24, 1989, pursuant to an announcement from the floor of the House, the subcommittee convened in a formal meeting and voted to report HJR 102 to the full committee, with a complete substitute and with the recommendation it do pass by a record vote of 3 ayes and no nays.

On April 24, 1989, the full committee, in a public hearing called in accordance with the Rules of the House, considered HJR 102 on subcommittee report pursuant to a suspension of the 48 hour layout rule on the floor of the House. At that time the committee voted to report HJR 102 to the full House, with a complete substitute and with the recommendation it do pass by a record vote of 8 ayes, no nays, 1 PNV and 4 members absent.

#### Comparison of the Original to the Substitute

The substitute adds a provision that provides that the members of the Legislature shall receive the salary set by law on January 1, 1989 until the Regular Session of the 72d Legislature convenes in January of 1991. This provision shall also apply to the Lt. Governor and the Speaker.

# LEGISLATIVE BUDGET BOARD

Austin, Texas

## FISCAL NOTE

May 8, 1989

TO: Honorable James E. "Pete" Laney, Chair  
Committee on State Affairs  
House of Representatives  
Austin, Texas

In Re: Committee Substitute  
for House Joint  
Resolution No. 102

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Committee Substitute for House Joint Resolution No. 102 (proposing a constitutional amendment relating to the compensation of the lieutenant governor and members of the legislature) this office has determined the following:

The resolution proposes a constitutional amendment which, if adopted, would set the salary of members of the Legislature at one-fourth of the Governor's salary and set the salary for the Lieutenant Governor and the Speaker of the House of Representatives at one-half of the Governor's salary. The increase for the Speaker of the House of Representatives and members of the Legislature would take effect at the time the Regular Session of the Seventy-second Legislature convenes. The increase for the Lieutenant Governor would take effect on the first day of the term for the office of Lieutenant Governor that begins in 1991.

The salary increase for the Lieutenant Governor would not make members of the Legislature ineligible for the office of Lieutenant Governor.

The proposed amendment would be submitted to the voters on November 7, 1989.

The cost of publication of the resolution to the State is estimated to be \$60,000.

The probable cost of implementing the provisions of the bill during each of the first five years following passage is estimated as follows:

<u>Fiscal Year</u>	<u>Probable Cost Out of the General Revenue Fund</u>
1990	\$ -0-
1991	1,999,000
1992	3,536,000
1993	3,536,000
1994	3,536,000

The fiscal implication to the State would depend on the salary of the Governor as set in the General Appropriations Act. The estimate assumes the Governor's salary is continued at the current level.

No fiscal implication to units of local government is anticipated.

Criminal Justice Policy Impact Statement: No change in the sanctions applicable to adults convicted of felony crimes is anticipated.

Source: Comptroller of Public Accounts;  
LBB Staff: JO, JWH, AL, RS, PA



# LEGISLATIVE BUDGET BOARD

Austin, Texas

## FISCAL NOTE

April 24, 1989

TO: Honorable James E. "Pete" Laney, Chair  
Committee on State Affairs  
House of Representatives  
Austin, Texas

In Re: House Joint  
Resolution No. 102  
By: D. Hudson, et al.

FROM: Jim Oliver, Director

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The resolution proposes a constitutional amendment which, if adopted, would set the salary of members of the Legislature at one-fourth of the Governor's salary and set the salary for the Lieutenant Governor and the Speaker of the House of Representatives at one-half of the Governor's salary.

The salary increase for the Lieutenant Governor would not make members of the Legislature ineligible for the office of Lieutenant Governor.

The proposed amendment would be submitted to the voters on November 7, 1989.

The cost of publication of the resolution to the State is estimated to be \$60,000.

The probable cost of implementing the provisions of the bill during each of the first five years following passage is estimated as follows:

<u>Fiscal Year</u>	<u>Probable Cost Out of the General Revenue Fund</u>
1990	\$3,536,000
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Criminal Justice Policy Impact Statement: No change in the sanctions applicable to adults convicted of felony crimes is anticipated.

Source: Comptroller of Public Accounts;  
LBB Staff: JO, JWH, AL, RS, PA

ADOPTED

as amended

MAY 15 1989

Boyd Manning  
Chief Clerk  
House of Representatives

By Hudson of Smith

H.J.R. No. 102

Substitute the following for H.J.R. No. 102:

By C. S. Oakley

C.S.H.J.R. No. 102

~~A JOINT RESOLUTION~~

1 proposing a constitutional amendment relating to the compensation  
2 of the lieutenant governor and members of the legislature.

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5 ~~Constitution is amended to read as follows:~~

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7 the Public Treasury a salary equal to one-fourth of the salary  
8 provided by law for the Governor [~~of Six Hundred Dollars (\$600)-per~~  
9 ~~month~~]. The Speaker of the House of Representatives shall receive  
10 an additional salary in the same amount for serving as Speaker.  
11 Each member shall also receive a per diem of Thirty Dollars (\$30)  
12 for each day during each Regular and Special Session of the  
13 Legislature.

14 (b) No Regular Session shall be of longer duration than one  
15 hundred and forty (140) days.

16 (c) In addition to the per diem the Members of each House  
17 shall be entitled to mileage at the same rate as prescribed by law  
18 for employees of the State of Texas. [~~This amendment takes effect~~  
19 ~~on April 22, 1975.~~]

20 (d) Until the convening of the Regular Session of the 72nd  
21 Legislature in 1991, the Members of the Legislature and the Speaker  
22 of the House of Representatives shall receive compensation in the  
23 amounts prescribed by law on January 1, 1989. This subsection  
24 expires January 1, 1992.

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Sec. 17. (a) If, during the vacancy in the office of Governor, the Lieutenant Governor should die, resign, refuse to serve, or be removed from office, or be unable to serve; or if he shall be impeached or absent from the State, the President of the Senate, for the time being, shall, in like manner, administer the Government until he shall be superseded by a Governor or Lieutenant Governor.

(b) The Lieutenant Governor shall receive a salary equal to one-half of the salary provided by law for the Governor and, while he acts as President of the Senate, shall receive for his services the same [compensation-and] mileage which shall be allowed to the members of the Senate, and no more[;--and--during--the--time--he administers--the--Government;--as-Governor;--he-shall-receive-in-like manner-the-same-compensation-which-the-Governor-would-have-received had-been-employed-in-the-duties-of-his-office;--and--no--more]. An increase in the emoluments of the Lieutenant Governor does not make a member of the Legislature ineligible for the office under Article III, Section 18, of this constitution.

(c) The President, for the time being, of the Senate, shall, during the time he administers the Government, receive in like manner the same compensation, which the Governor would have received had he been employed in the duties of his office.

(d) Until the first day of the term of office of Lieutenant Governor that begins in 1991, the Lieutenant Governor shall receive compensation in the amount prescribed by law on January 1, 1989.

1 This subsection expires on January 1, 1992.

Amend  
(11)  
2 ~~SECTION 3.~~ This proposed constitutional amendment shall be  
3 submitted to the voters at an election to be held November 7, 1989.

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5 the proposition: "The constitutional amendment to limit the salary  
6 of the lieutenant governor and the speaker of the house of  
7 representatives to not more than one-half of the governor's salary  
8 and to limit the salary of a member of the legislature to not more  
9 than one-fourth of the governor's salary."

(11) (11) (11)

**ADOPTED** *as amended*

MAY 15 1989

*Betty Murray*  
Chief Clerk  
House of Representatives

AMENDMENT NO. ①

BY D. Anderson

Amend C.S.H.J.R. 102 as follows:

(1) On page 1, strike lines 4-5 and substitute the following:

SECTION 1. If the voters of this state approve the ballot proposition required by Section 5(a) of this Resolution and disapprove the ballot proposition required by Section 5(b) of this Resolution, Article III, Section 24, of the Texas Constitution is amended to read as follows:

(2) On page 1, after line 24, add the following:

SECTION 2. If the voters of this state approve the ballot proposition required by Section 5(b) of this Resolution and disapprove the ballot proposition required by Section 5(a) of this Resolution, Article III, Section 24, of the Texas Constitution is amended to read as follows:

Sec. 24. (a) Members of the Legislature shall receive from the Public Treasury a salary of Six Hundred Dollars (\$600) per month. Each member shall also receive a per diem [~~of Thirty Dollars-(\$30)~~] for each day during each Regular and Special Session of the Legislature. The per diem allowed during a calendar year is in an amount equal to the maximum amount allowed as of January 1 of that year for federal income tax purposes as a deduction for living expenses incurred in a legislative day by a state legislator in connection with the legislator's business as a legislator, disregarding any exception in federal law for legislators residing

1 near the capitol.

2       **(b)** No Regular Session shall be of longer duration than one  
3 hundred and forty (140) days.

4       **(c)** In addition to the per diem the Members of each House  
5 shall be entitled to mileage at the same rate as prescribed by law  
6 for employees of the State of Texas. [~~This amendment takes effect~~  
7 ~~on April 22, 1975.~~]

8       **(d)** Until the convening of the Regular Session of the 72nd  
9 Legislature in 1991, the Members of the Legislature shall receive  
10 per diem in the amounts prescribed by law on January 1, 1989. This  
11 subsection expires January 1, 1992.

12       SECTION 3. If the voters of this state approve the ballot  
13 propositions required by Sections 5(a) and 5(b) of this Resolution,  
14 Article III, Section 24, of the Texas Constitution is amended to  
15 read as follows:

16       Sec. 24. **(a)** Members of the Legislature shall receive from  
17 the Public Treasury a salary equal to one-fourth of the salary  
18 provided by law for the Governor [~~of Six Hundred Dollars (\$600) per~~  
19 ~~month~~]. The Speaker of the House of Representatives shall receive  
20 an additional salary in the same amount for serving as Speaker.  
21 Each member shall also receive a per diem [~~of Thirty Dollars (\$30)~~]  
22 for each day during each Regular and Special Session of the  
23 Legislature. The per diem allowed during a calendar year is in an  
24 amount equal to the maximum amount allowed as of January 1 of that  
25 year for federal income tax purposes as a deduction for living  
26 expenses incurred in a legislative day by a state legislator in  
27 connection with the legislator's business as a legislator,

1 disregarding any exception in federal law for legislators residing  
2 near the capitol.

3 (b) No Regular Session shall be of longer duration than one  
4 hundred and forty (140) days.

5 (c) In addition to the per diem the Members of each House  
6 shall be entitled to mileage at the same rate as prescribed by law  
7 for employees of the State of Texas. [~~This amendment takes effect~~  
8 ~~on April 22, 1975.~~]

9 (d) Until the convening of the Regular Session of the 72nd  
10 Legislature in 1991, the Members of the Legislature and the Speaker  
11 of the House of Representatives shall receive compensation and per  
12 diem in the amounts prescribed by law on January 1, 1989. This  
13 subsection expires January 1, 1992.

14 (3) On page 2, strike lines 1-2 and substitute the  
15 following:

16 SECTION 4. If the voters of this state approve the ballot  
17 proposition required by Section 5(a) of this Resolution, Article  
18 IV, Section 17, of the Texas Constitution is amended to read as  
19 follows:

20 (4) On page 3, strike line 2 and substitute "SECTION 5. (a)  
21 The constitutional amendment proposed by this Resolution relating  
22 to the salaries of members of the legislature, the speaker of the  
23 house of representatives, and the lieutenant governor shall be".

24 (5) On page 3, after line 9, insert the following:

25 (b) The constitutional amendment proposed by this Resolution  
26 relating to the per diem of members of the legislature shall be  
27 submitted to the voters at an election to be held on the same date

1 as provided by Subsection (a) of this section for the election  
2 required by that subsection. The ballot shall be printed to  
3 provide for voting for or against the proposition: "The  
4 constitutional amendment to set the amount of per diem received by  
5 a member of the legislature at the maximum daily amount allowed for  
6 federal income tax purposes as a deduction for living expenses  
7 incurred by a state legislator in connection with official  
8 business."



Amendment No. ②

By Eekel, Hudson

Amend the Hudson amendment  
to read  
as follows:

**ADOPTED**

MAY 15 1989

Betty Murray  
Chief Clerk  
House of Representatives

AMENDMENT NO. 1

BY Hudson

1 Amend C.S.H.J.R. 102 as follows:

2 (1) On page 1, strike lines 4-5 and substitute the  
3 following:

4 INSERT 4-11 SECTION 1. If the voters of this state approve the ballot  
5 proposition required by Section 5(a) of this Resolution and  
6 disapprove the ballot proposition required by Section 5(b) of this  
7 Resolution, Article III, Section 24, of the Texas Constitution is  
8 amended to read as follows:

9 (2) On page 1, after line 24, add the following:

10 INSERT 11 SECTION 2. If the voters of this state approve the ballot  
11 proposition required by Section 5(b) of this Resolution and  
12 disapprove the ballot proposition required by Section 5(a) of this  
13 Resolution, Article III, Section 24, of the Texas Constitution is  
14 amended to read as follows:

15 Sec. 24. (a) Members of the Legislature shall receive from  
16 the Public Treasury a salary of Six Hundred Dollars (\$600) per  
17 month. Each member shall also receive a per diem [~~of Thirty~~  
18 ~~Dollars-(\$30)]~~ for each day during each Regular and Special Session  
19 of the Legislature. The per diem allowed during a calendar year is  
20 in an amount equal to the maximum amount allowed as of January 1 of  
21 that year for federal income tax purposes as a deduction for living  
22 expenses incurred in a legislative day by a state legislator in  
23 connection with the legislator's business as a legislator,  
24 disregarding any exception in federal law for legislators residing

(( (ant)))

1 near the capitol.

2 (b) No Regular Session shall be of longer duration than one  
3 hundred and forty (140) days.

4 (c) In addition to the per diem the Members of each House  
5 shall be entitled to mileage at the same rate as prescribed by law  
6 for employees of the State of Texas. [~~This amendment takes effect~~  
7 ~~on April 22, 1975.~~]

8 (d) Until the convening of the Regular Session of the 72nd  
9 Legislature in 1991, the Members of the Legislature shall receive  
10 per diem in the amounts prescribed by law on January 1, 1989. This  
11 subsection expires January 1, 1992.

12 SECTION 3. If the voters of this state approve the ballot  
13 propositions required by Sections 5(a) and 5(b) of this Resolution,  
14 Article III, Section 24, of the Texas Constitution is amended to  
15 read as follows:

16 Sec. 24. (a) Members of the Legislature shall receive from  
17 the Public Treasury a salary equal to one-fourth of the salary  
18 provided by law for the Governor [~~of Six Hundred Dollars (\$600)-per~~  
19 ~~month~~]. The Speaker of the House of Representatives shall receive  
20 an additional salary in the same amount for serving as Speaker.  
21 Each member shall also receive a per diem [~~of Thirty Dollars (\$30)~~]  
22 for each day during each Regular and Special Session of the  
23 Legislature. The per diem allowed during a calendar year is in an  
24 amount equal to the maximum amount allowed as of January 1 of that  
25 year for federal income tax purposes as a deduction for living  
26 expenses incurred in a legislative day by a state legislator in  
27 connection with the legislator's business as a legislator,

1 disregarding any exception in federal law for legislators residing  
2 near the capitol.

3 (b) No Regular Session shall be of longer duration than one  
4 hundred and forty (140) days.

5 (c) In addition to the per diem the Members of each House  
6 shall be entitled to mileage at the same rate as prescribed by law  
7 for employees of the State of Texas. [~~This amendment takes effect~~  
8 ~~on April 22, 1975.~~]

9 (d) Until the convening of the Regular Session of the 72nd  
10 Legislature in 1991, the Members of the Legislature and the Speaker  
11 of the House of Representatives shall receive compensation and per  
12 diem in the amounts prescribed by law on January 1, 1989. This  
13 subsection expires January 1, 1992. (END SECTION 4)

14 (3) On page 2, strike lines 1-2 and substitute the  
15 following:

16 SECTION 4. If the voters of this state approve the ballot  
17 proposition required by Section 5(a) of this Resolution, Article  
18 IV, Section 17, of the Texas Constitution is amended to read as  
19 follows:

20 (4) On page 3, strike line 2 and substitute "SECTION 5. (a)  
21 The constitutional amendment proposed by this Resolution relating  
22 to the salaries of members of the legislature, the speaker of the  
23 house of representatives, and the lieutenant governor shall be"

24 (5) On page 3, after line 9, insert the following:

25 (b) The constitutional amendment proposed by this Resolution  
26 relating to the per diem of members of the legislature shall be  
27 submitted to the voters at an election to be held on the same date

1 as provided by Subsection (a) of this section for the election  
2 required by that subsection. The ballot shall be printed to  
3 provide for voting for or against the proposition: "The  
4 constitutional amendment to set the amount of per diem received by  
5 a member of the legislature at the ~~maximum~~ amount allowed for  
6 federal income tax purposes as a deduction for living expenses  
7 incurred by a state legislator in connection with official  
8 business." *END INSERT ED*

# HOUSE ENGROSSMENT

89 MAY 16 AM 1:53  
HOUSE OF REPRESENTATIVES

By Hudson of Smith, et al.

H.J.R. No. 102

## A JOINT RESOLUTION

1 proposing a constitutional amendment relating to the compensation  
2 of the lieutenant governor and members of the legislature.

3 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4 SECTION 1. If the voters of this state approve the ballot  
5 proposition required by Section 5(a) of this resolution and  
6 disapprove the ballot proposition required by Section 5(b) of this  
7 resolution, Article III, Section 24, of the Texas Constitution is  
8 amended to read as follows:

9 Sec. 24. (a) Members of the Legislature shall receive from  
10 the Public Treasury a salary equal to one-fourth of the salary  
11 provided by law for the Governor [~~of Six Hundred Dollars (\$600)-per~~  
12 ~~month~~]. The Speaker of the House of Representatives shall receive  
13 an additional salary in the same amount for serving as Speaker.  
14 Each member shall also receive a per diem of Thirty Dollars (\$30)  
15 for each day during each Regular and Special Session of the  
16 Legislature.

17 (b) No Regular Session shall be of longer duration than one  
18 hundred and forty (140) days.

19 (c) In addition to the per diem the Members of each House  
20 shall be entitled to mileage at the same rate as prescribed by law  
21 for employees of the State of Texas. [~~This amendment takes--effect~~  
22 ~~on April 22, 1975.~~]

23 (d) Until the convening of the Regular Session of the 72nd  
24 Legislature in 1991, the Members of the Legislature and the Speaker

1 of the House of Representatives shall receive compensation in the  
2 amounts prescribed by law on January 1, 1989. This subsection  
3 expires January 1, 1992.

4 SECTION 2. If the voters of this state approve the ballot  
5 proposition required by Section 5(b) of this resolution and  
6 disapprove the ballot proposition required by Section 5(a) of this  
7 resolution, Article III, Section 24, of the Texas Constitution is  
8 amended to read as follows:

9 Sec. 24. (a) Members of the Legislature shall receive from  
10 the Public Treasury a salary of Six Hundred Dollars (\$600) per  
11 month. Each member shall also receive a per diem [~~of--Thirty~~  
12 ~~Dollars-(\$30)~~] for each day during each Regular and Special Session  
13 of the Legislature. The per diem allowed during a calendar year is  
14 in an amount equal to the maximum amount allowed as of January 1 of  
15 that year for federal income tax purposes as a deduction for living  
16 expenses incurred in a legislative day by a state legislator in  
17 connection with the legislator's business as a legislator,  
18 disregarding any exception in federal law for legislators residing  
19 near the capitol.

20 (b) No Regular Session shall be of longer duration than one  
21 hundred and forty (140) days.

22 (c) In addition to the per diem the Members of each House  
23 shall be entitled to mileage at the same rate as prescribed by law  
24 for employees of the State of Texas. [~~This-amendment-takes-effect~~  
25 ~~on-April-22,--1975-~~]

26 (d) Until the convening of the Regular Session of the 72nd  
27 Legislature in 1991, the Members of the Legislature shall receive

1 per diem in the amounts prescribed by law on January 1, 1989. This  
2 subsection expires January 1, 1992.

3 SECTION 3. If the voters of this state approve the ballot  
4 propositions required by Sections 5(a) and 5(b) of this resolution,  
5 Article III, Section 24, of the Texas Constitution is amended to  
6 read as follows:

7 Sec. 24. (a) Members of the Legislature shall receive from  
8 the Public Treasury a salary equal to one-fourth of the salary  
9 provided by law for the Governor [~~of-Six-Hundred-Dollars-(\$600)-per~~  
10 ~~month~~]. The Speaker of the House of Representatives shall receive  
11 an additional salary in the same amount for serving as Speaker.  
12 Each member shall also receive a per diem [~~of-Thirty-Dollars-(\$30)~~]  
13 for each day during each Regular and Special Session of the  
14 Legislature. The per diem allowed during a calendar year is in an  
15 amount equal to the maximum amount allowed as of January 1 of that  
16 year for federal income tax purposes as a deduction for living  
17 expenses incurred in a legislative day by a state legislator in  
18 connection with the legislator's business as a legislator,  
19 disregarding any exception in federal law for legislators residing  
20 near the capitol.

21 (b) No Regular Session shall be of longer duration than one  
22 hundred and forty (140) days.

23 (c) In addition to the per diem the Members of each House  
24 shall be entitled to mileage at the same rate as prescribed by law  
25 for employees of the State of Texas. [~~This-amendment-takes--effect~~  
26 ~~on-April-22,-1975-~~]

27 (d) Until the convening of the Regular Session of the 72nd

1 Legislature in 1991, the Members of the Legislature and the Speaker  
2 of the House of Representatives shall receive compensation and per  
3 diem in the amounts prescribed by law on January 1, 1989. This  
4 subsection expires January 1, 1992.

5 SECTION 4. If the voters of this state approve the ballot  
6 proposition required by Section 5(a) of this resolution, Article  
7 IV, Section 17, of the Texas Constitution is amended to read as  
8 follows:

9 Sec. 17. (a) If, during the vacancy in the office of  
10 Governor, the Lieutenant Governor should die, resign, refuse to  
11 serve, or be removed from office, or be unable to serve; or if he  
12 shall be impeached or absent from the State, the President of the  
13 Senate, for the time being, shall, in like manner, administer the  
14 Government until he shall be superseded by a Governor or Lieutenant  
15 Governor.

16 (b) The Lieutenant Governor shall receive a salary equal to  
17 one-half of the salary provided by law for the Governor and, while  
18 he acts as President of the Senate, shall receive for his services  
19 the same [compensation-and] mileage which shall be allowed to the  
20 members of the Senate, and no more[;--and--during--the--time--he  
21 administers--the--Government,--as-Governor,--he--shall--receive--in--like  
22 manner--the--same--compensation--which--the--Governor--would--have--received  
23 had--he--been--employed--in--the--duties--of--his--office,--and--no--more]. An  
24 increase in the emoluments of the Lieutenant Governor does not make  
25 a member of the Legislature ineligible for the office under Article  
26 III, Section 18, of this constitution.

27 (c) The President, for the time being, of the Senate, shall,



1 during the time he administers the Government, receive in like  
2 manner the same compensation, which the Governor would have  
3 received had he been employed in the duties of his office.

4 (d) Until the first day of the term of office of Lieutenant  
5 Governor that begins in 1991, the Lieutenant Governor shall receive  
6 compensation in the amount prescribed by law on January 1, 1989.  
7 This subsection expires on January 1, 1992.

8 SECTION 5. (a) The constitutional amendment proposed by  
9 this resolution relating to the salaries of members of the  
10 legislature, the speaker of the house of representatives, and the  
11 lieutenant governor shall be submitted to the voters at an election  
12 to be held November 7, 1989. The ballot shall be printed to  
13 provide for voting for or against the proposition: "The  
14 constitutional amendment to limit the salary of the lieutenant  
15 governor and the speaker of the house of representatives to not  
16 more than one-half of the governor's salary and to limit the salary  
17 of a member of the legislature to not more than one-fourth of the  
18 governor's salary."

19 (b) The constitutional amendment proposed by this resolution  
20 relating to the per diem of members of the legislature shall be  
21 submitted to the voters at an election to be held on the same date  
22 as provided by Subsection (a) of this section for the election  
23 required by that subsection. The ballot shall be printed to  
24 provide for voting for or against the proposition: "The  
25 constitutional amendment to set the amount of per diem received by  
26 a member of the legislature at the amount allowed for federal

H.J.R. No. 102

- 1 income tax purposes as a deduction for living expenses incurred by
- 2 a state legislator in connection with official business."

# LEGISLATIVE BUDGET BOARD

Austin, Texas

## FISCAL NOTE

May 8, 1989

TO: Honorable James E. "Pete" Laney, Chair  
Committee on State Affairs  
House of Representatives  
Austin, Texas

In Re: Committee Substitute  
for House Joint  
Resolution No. 102

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Committee Substitute for House Joint Resolution No. 102 (proposing a constitutional amendment relating to the compensation of the lieutenant governor and members of the legislature) this office has determined the following:

The resolution proposes a constitutional amendment which, if adopted, would set the salary of members of the Legislature at one-fourth of the Governor's salary and set the salary for the Lieutenant Governor and the Speaker of the House of Representatives at one-half of the Governor's salary. The increase for the Speaker of the House of Representatives and members of the Legislature would take effect at the time the Regular Session of the Seventy-second Legislature convenes. The increase for the Lieutenant Governor would take effect on the first day of the term for the office of Lieutenant Governor that begins in 1991.

The salary increase for the Lieutenant Governor would not make members of the Legislature ineligible for the office of Lieutenant Governor.

The proposed amendment would be submitted to the voters on November 7, 1989.

The cost of publication of the resolution to the State is estimated to be \$60,000.

The probable cost of implementing the provisions of the bill during each of the first five years following passage is estimated as follows:

<u>Fiscal Year</u>	<u>Probable Cost Out of the General Revenue Fund</u>
1990	\$ -0-
1991	1,999,000
1992	3,536,000
1993	3,536,000
1994	3,536,000

The fiscal implication to the State would depend on the salary of the Governor as set in the General Appropriations Act. The estimate assumes the Governor's salary is continued at the current level.

No fiscal implication to units of local government is anticipated.

Criminal Justice Policy Impact Statement: No change in the sanctions applicable to adults convicted of felony crimes is anticipated.

Source: Comptroller of Public Accounts;  
LBB Staff: JO, JWH, AL, RS, PA

# LEGISLATIVE BUDGET BOARD

Austin, Texas

## FISCAL NOTE

April 24, 1989

TO: Honorable James E. "Pete" Laney, Chair      In Re: House Joint  
Committee on State Affairs      Resolution No. 102  
House of Representatives      By: D. Hudson, et al.  
Austin, Texas

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on House Joint Resolution No. 102 (proposing a constitutional amendment relating to the compensation of the lieutenant governor and members of the legislature) this office has determined the following:

The resolution proposes a constitutional amendment which, if adopted, would set the salary of members of the Legislature at one-fourth of the Governor's salary and set the salary for the Lieutenant Governor and the Speaker of the House of Representatives at one-half of the Governor's salary.

The salary increase for the Lieutenant Governor would not make members of the Legislature ineligible for the office of Lieutenant Governor.

The proposed amendment would be submitted to the voters on November 7, 1989.

The cost of publication of the resolution to the State is estimated to be \$60,000.

The probable cost of implementing the provisions of the bill during each of the first five years following passage is estimated as follows:

<u>Fiscal Year</u>	<u>Probable Cost Out of the General Revenue Fund</u>
1990	\$3,536,000
1991	3,536,000
1992	3,536,000
1993	3,536,000
1994	3,536,000

The fiscal implication to the State would depend on the salary of the Governor as set in the General Appropriations Act. The estimate assumes if the Governor's salary is continued at the current level.

No fiscal implication to units of local government is anticipated.

Criminal Justice Policy Impact Statement: No change in the sanctions applicable to adults convicted of felony crimes is anticipated.

Source: Comptroller of Public Accounts;  
LBB Staff: JO, JWH, AL, RS, PA

By: Hudson of Smith, et al.

H.J.R. No. 102

(Senate Sponsor - Barrientos)

(In the Senate - Received from the House May 16, 1989; May 17, 1989, read first time and referred to Committee on State Affairs; May 24, 1989, reported favorably by the following vote: Yeas 7, Nays 3; May 24, 1989, sent to printer.)

#### COMMITTEE VOTE

	Yea	Nay	PNV	Absent
Montford		x		
Henderson	x			
Armbrister				x
Caperton		x		
Edwards				x
Glasgow	x			
Green	x			
Harris	x			
Leedom		x		
Lyon	x			
McFarland	x			
Parmer				x
Washington	x			

#### A JOINT RESOLUTION

proposing a constitutional amendment relating to the compensation of the lieutenant governor and members of the legislature.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. If the voters of this state approve the ballot proposition required by Section 5(a) of this resolution and disapprove the ballot proposition required by Section 5(b) of this resolution, Article III, Section 24, of the Texas Constitution is amended to read as follows:

Sec. 24. (a) Members of the Legislature shall receive from the Public Treasury a salary equal to one-fourth of the salary provided by law for the Governor [of Six Hundred Dollars (\$600) per month]. The Speaker of the House of Representatives shall receive an additional salary in the same amount for serving as Speaker. Each member shall also receive a per diem of Thirty Dollars (\$30) for each day during each Regular and Special Session of the Legislature.

(b) No Regular Session shall be of longer duration than one hundred and forty (140) days.

(c) In addition to the per diem the Members of each House shall be entitled to mileage at the same rate as prescribed by law for employees of the State of Texas. ~~[This amendment takes effect on April 22, 1975.]~~

(d) Until the convening of the Regular Session of the 72nd Legislature in 1991, the Members of the Legislature and the Speaker of the House of Representatives shall receive compensation in the amounts prescribed by law on January 1, 1989. This subsection expires January 1, 1992.

SECTION 2. If the voters of this state approve the ballot proposition required by Section 5(b) of this resolution and disapprove the ballot proposition required by Section 5(a) of this resolution, Article III, Section 24, of the Texas Constitution is amended to read as follows:

Sec. 24. (a) Members of the Legislature shall receive from the Public Treasury a salary of Six Hundred Dollars (\$600) per month. Each member shall also receive a per diem ~~[of Thirty Dollars (\$30)]~~ for each day during each Regular and Special Session of the Legislature. The per diem allowed during a calendar year is in an amount equal to the maximum amount allowed as of January 1 of that year for federal income tax purposes as a deduction for living expenses incurred in a legislative day by a state legislator in connection with the legislator's business as a legislator, disregarding any exception in federal law for legislators residing near the capitol.

(b) No Regular Session shall be of longer duration than one

1 hundred and forty (140) days.

2 (c) In addition to the per diem the Members of each House  
3 shall be entitled to mileage at the same rate as prescribed by law  
4 for employees of the State of Texas. [~~This amendment takes effect~~  
5 ~~on April 22, 1975.~~]

6 (d) Until the convening of the Regular Session of the 72nd  
7 Legislature in 1991, the Members of the Legislature shall receive  
8 per diem in the amounts prescribed by law on January 1, 1989. This  
9 subsection expires January 1, 1992.

10 SECTION 3. If the voters of this state approve the ballot  
11 propositions required by Sections 5(a) and 5(b) of this resolution,  
12 Article III, Section 24, of the Texas Constitution is amended to  
13 read as follows:

14 Sec. 24. (a) Members of the Legislature shall receive from  
15 the Public Treasury a salary equal to one-fourth of the salary  
16 provided by law for the Governor [~~of Six Hundred Dollars (\$600) per~~  
17 ~~month~~]. The Speaker of the House of Representatives shall receive  
18 an additional salary in the same amount for serving as Speaker.  
19 Each member shall also receive a per diem [~~of Thirty Dollars (\$30)~~]  
20 for each day during each Regular and Special Session of the  
21 Legislature. The per diem allowed during a calendar year is in an  
22 amount equal to the maximum amount allowed as of January 1 of that  
23 year for federal income tax purposes as a deduction for living  
24 expenses incurred in a legislative day by a state legislator in  
25 connection with the legislator's business as a legislator,  
26 disregarding any exception in federal law for legislators residing  
27 near the capitol.

28 (b) No Regular Session shall be of longer duration than one  
29 hundred and forty (140) days.

30 (c) In addition to the per diem the Members of each House  
31 shall be entitled to mileage at the same rate as prescribed by law  
32 for employees of the State of Texas. [~~This amendment takes effect~~  
33 ~~on April 22, 1975.~~]

34 (d) Until the convening of the Regular Session of the 72nd  
35 Legislature in 1991, the Members of the Legislature and the Speaker  
36 of the House of Representatives shall receive compensation and per  
37 diem in the amounts prescribed by law on January 1, 1989. This  
38 subsection expires January 1, 1992.

39 SECTION 4. If the voters of this state approve the ballot  
40 proposition required by Section 5(a) of this resolution, Article  
41 IV, Section 17, of the Texas Constitution is amended to read as  
42 follows:

43 Sec. 17. (a) If, during the vacancy in the office of  
44 Governor, the Lieutenant Governor should die, resign, refuse to  
45 serve, or be removed from office, or be unable to serve; or if he  
46 shall be impeached or absent from the State, the President of the  
47 Senate, for the time being, shall, in like manner, administer the  
48 Government until he shall be superseded by a Governor or Lieutenant  
49 Governor.

50 (b) The Lieutenant Governor shall receive a salary equal to  
51 one-half of the salary provided by law for the Governor and, while  
52 he acts as President of the Senate, shall receive for his services  
53 the same [~~compensation and~~] mileage which shall be allowed to the  
54 members of the Senate, and no more [~~;--and--during the time he~~  
55 ~~administers the Government, as Governor, he shall receive in like~~  
56 ~~manner the same compensation which the Governor would have received~~  
57 ~~had he been employed in the duties of his office, and no more~~]. An  
58 increase in the emoluments of the Lieutenant Governor does not make  
59 a member of the Legislature ineligible for the office under Article  
60 III, Section 18, of this constitution.

61 (c) The President, for the time being, of the Senate, shall,  
62 during the time he administers the Government, receive in like  
63 manner the same compensation, which the Governor would have  
64 received had he been employed in the duties of his office.

65 (d) Until the first day of the term of office of Lieutenant  
66 Governor that begins in 1991, the Lieutenant Governor shall receive  
67 compensation in the amount prescribed by law on January 1, 1989.  
68 This subsection expires on January 1, 1992.

69 SECTION 5. (a) The constitutional amendment proposed by  
70 this resolution relating to the salaries of members of the

1 legislature, the speaker of the house of representatives, and the  
2 lieutenant governor shall be submitted to the voters at an election  
3 to be held November 7, 1989. The ballot shall be printed to  
4 provide for voting for or against the proposition: "The  
5 constitutional amendment to limit the salary of the lieutenant  
6 governor and the speaker of the house of representatives to not  
7 more than one-half of the governor's salary and to limit the salary  
8 of a member of the legislature to not more than one-fourth of the  
9 governor's salary."

10 (b) The constitutional amendment proposed by this resolution  
11 relating to the per diem of members of the legislature shall be  
12 submitted to the voters at an election to be held on the same date  
13 as provided by Subsection (a) of this section for the election  
14 required by that subsection. The ballot shall be printed to  
15 provide for voting for or against the proposition: "The  
16 constitutional amendment to set the amount of per diem received by  
17 a member of the legislature at the amount allowed for federal  
18 income tax purposes as a deduction for living expenses incurred by  
19 a state legislator in connection with official business."

20 \* \* \* \* \*

21 Austin, Texas  
22 May 24, 1989

23 Hon. William P. Hobby  
24 President of the Senate

25 Sir:

26 We, your Committee on State Affairs to which was referred H.J.R.  
27 No. 102, have had the same under consideration, and I am instructed  
28 to report it back to the Senate with the recommendation that it do  
29 pass and be printed.

30 Montford, Chairman

# LEGISLATIVE BUDGET BOARD

Austin, Texas

## FISCAL NOTE

May 18, 1989

TO: Honorable John T. Montford, Chairman      In Re: House Joint Resolution,  
Committee on State Affairs      No. 102, as engrossed  
Senate Chamber      By: D. Hudson, et. al.  
Austin, Texas

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on House Joint Resolution No. 102, as engrossed (proposing a constitutional amendment relating to the compensation of the lieutenant governor and members of the legislature) this office has determined the following:

The resolution proposes a constitutional amendment consisting of two propositions which, if adopted, would increase the salary and per diem of members of the Legislature and the Lieutenant Governor.

The first proposition would set the salary of members of the Legislature at one-fourth of the Governor's salary and set the salary for the Lieutenant Governor and the Speaker of the House of Representatives at one-half of the Governor's salary.

The second proposition would set the per diem for members of the Legislature at the maximum level allowed for federal income tax purposes as a deduction as living expenses incurred in a legislative day by a state legislator.

The increase in salary and per diem for the Speaker of the House of Representatives and members of the Legislature would take effect at the time the Regular Session of the Seventy-second Legislature convenes. The increase for the Lieutenant Governor would take effect on the first day of the term for the office of Lieutenant Governor that begins in 1991.

The salary increase for the Lieutenant Governor would not make members of the Legislature ineligible for the office of Lieutenant Governor.

The proposed amendment would be submitted to the voters on November 7, 1989.

The cost of publication of the resolution to the State is estimated to be \$60,000.

The probable cost of implementing the provisions of the bill during each of the first five years following passage is estimated as follows:

<u>Fiscal Year</u>	<u>Probable Cost Out of the General Revenue Fund</u>
1990	\$ -0-
1991	3,291,000
1992	3,536,000
1993	4,828,000
1994	3,536,000

The fiscal implication to the State would depend on the salary of the Governor as set in the General Appropriations Act. The estimate assumes the Governor's salary is continued at the current level. The estimate assumes that legislative per diem would be \$81, the current maximum allowed as a federal income tax deduction.

Similar annual costs would continue as long as the provisions of the bill are in effect.

No fiscal implication to units of local government is anticipated.

Source: Comptroller of Public Accounts;  
LBB Staff: JO, JWH, AL, RS, BL



# LEGISLATIVE BUDGET BOARD

Austin, Texas

## FISCAL NOTE

May 8, 1989

TO: Honorable James E. "Pete" Laney, Chair  
Committee on State Affairs  
House of Representatives  
Austin, Texas

In Re: Committee Substitute  
for House Joint  
Resolution No. 102

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Committee Substitute for House Joint Resolution No. 102 (proposing a constitutional amendment relating to the compensation of the lieutenant governor and members of the legislature) this office has determined the following:

The resolution proposes a constitutional amendment which, if adopted, would set the salary of members of the Legislature at one-fourth of the Governor's salary and set the salary for the Lieutenant Governor and the Speaker of the House of Representatives at one-half of the Governor's salary. The increase for the Speaker of the House of Representatives and members of the Legislature would take effect at the time the Regular Session of the Seventy-second Legislature convenes. The increase for the Lieutenant Governor would take effect on the first day of the term for the office of Lieutenant Governor that begins in 1991.

The salary increase for the Lieutenant Governor would not make members of the Legislature ineligible for the office of Lieutenant Governor.

The proposed amendment would be submitted to the voters on November 7, 1989.

The cost of publication of the resolution to the State is estimated to be \$60,000.

The probable cost of implementing the provisions of the bill during each of the first five years following passage is estimated as follows:

<u>Fiscal Year</u>	<u>Probable Cost Out of the General Revenue Fund</u>
1990	\$ -0-
1991	1,999,000
1992	3,536,000
1993	3,536,000
1994	3,536,000

The fiscal implication to the State would depend on the salary of the Governor as set in the General Appropriations Act. The estimate assumes the Governor's salary is continued at the current level.

No fiscal implication to units of local government is anticipated.

Criminal Justice Policy Impact Statement: No change in the sanctions applicable to adults convicted of felony crimes is anticipated.

Source: Comptroller of Public Accounts;  
LBB Staff: JO, JWH, AL, RS, PA

# LEGISLATIVE BUDGET BOARD

Austin, Texas

## FISCAL NOTE

April 24, 1989

TO: Honorable James E. "Pete" Laney, Chair      In Re: House Joint  
Committee on State Affairs      Resolution No. 102  
House of Representatives      By: D. Hudson, et al.  
Austin, Texas

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on House Joint Resolution No. 102 (proposing a constitutional amendment relating to the compensation of the lieutenant governor and members of the legislature) this office has determined the following:

The resolution proposes a constitutional amendment which, if adopted, would set the salary of members of the Legislature at one-fourth of the Governor's salary and set the salary for the Lieutenant Governor and the Speaker of the House of Representatives at one-half of the Governor's salary.

The salary increase for the Lieutenant Governor would not make members of the Legislature ineligible for the office of Lieutenant Governor.

The proposed amendment would be submitted to the voters on November 7, 1989.

The cost of publication of the resolution to the State is estimated to be \$60,000.

The probable cost of implementing the provisions of the bill during each of the first five years following passage is estimated as follows:

<u>Fiscal Year</u>	<u>Probable Cost Out of the General Revenue Fund</u>
1990	\$3,536,000
1991	3,536,000
1992	3,536,000
1993	3,536,000
1994	3,536,000

The fiscal implication to the State would depend on the salary of the Governor as set in the General Appropriations Act. The estimate assumes if the Governor's salary is continued at the current level.

No fiscal implication to units of local government is anticipated.

Criminal Justice Policy Impact Statement: No change in the sanctions applicable to adults convicted of felony crimes is anticipated.

Source: Comptroller of Public Accounts;  
LBB Staff: JO, JWH, AL, RS, PA

# SENATE FAVORABLE COMMITTEE REPORT

Lt. Governor William P. Hobby  
President of the Senate

<sup>4</sup>  
MAY 23, 1989-3:53pm  
(date)/(time)

Sir:

We, your Committee on STATE AFFAIRS to which was referred  
HJR 102 by D. Hudson have on 5-23, 1989, had the same  
(measure) (sponsor) (hearing date)

under consideration and I am instructed to report it back with the recommendation (s) that it

(☒) do pass and be printed

( ) do pass and be ordered not printed

( ) and is recommended for placement on the Local and Uncontested Bills Calendar.

A fiscal note was requested. (☒ yes) ( ) no

A revised fiscal note was requested. ( ) yes (☒ no)

An actuarial analysis was requested. ( ) yes (☒ no)

Considered by subcommittee. ( ) yes (☒ no)

Senate Sponsor of House Measure Barnier to

The measure was reported from Committee by the following vote:

	YEA	NAY	PNV	ABSENT
Montford, Chairman		<input checked="" type="checkbox"/>		
Henderson, Vice Chairman	<input checked="" type="checkbox"/>			
Armbrister				<input checked="" type="checkbox"/>
Caperton		<input checked="" type="checkbox"/>		
Edwards				<input checked="" type="checkbox"/>
Glasgow	<input checked="" type="checkbox"/>			
Green	<input checked="" type="checkbox"/>			
Harris	<input checked="" type="checkbox"/>			
Leedom		<input checked="" type="checkbox"/>		
Lyon	<input checked="" type="checkbox"/>			
McFarland	<input checked="" type="checkbox"/>			
Parmer				<input checked="" type="checkbox"/>
Washington	<input checked="" type="checkbox"/>			
TOTAL VOTES	7	3	0	3

Therrell Wilkes  
COMMITTEE CLERK

[Signature]  
CHAIRMAN

---

AMEND THE CAPTION TO CONFORM  
TO THE BODY OF THE BILL

**ADOPTED**

MAY 27 1989

*Latoya*  
Secretary

AMENDMENT NO.

81

By

Kruen

Amend H.J.R. 102 as follows:

(1) In Sections 1 and 3, insert the following between Subsection (c) and Subsection (d) of proposed Article III, Section 24, of the Texas Constitution, and redesignate the current Subsection (d) as Subsection (e):

(d) No law, varying the salary of Members of the Legislature, shall take effect, until a general election shall have intervened.

**ADOPTED**

MAY 27 1989

*Butler King*  
Speaker of the House

# SENATE AMENDMENTS

2nd Printing

SENATE  
MAY 27 PM 7:00

By Hudson of Smith, et al.

H.J.R. No. 102

## A JOINT RESOLUTION

proposing a constitutional amendment relating to the compensation of the lieutenant governor and members of the legislature.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. If the voters of this state approve the ballot proposition required by Section 5(a) of this resolution and disapprove the ballot proposition required by Section 5(b) of this resolution, Article III, Section 24, of the Texas Constitution is amended to read as follows:

Sec. 24. (a) Members of the Legislature shall receive from the Public Treasury a salary equal to one-fourth of the salary provided by law for the Governor [~~of Six Hundred Dollars (\$600)-per month~~]. The Speaker of the House of Representatives shall receive an additional salary in the same amount for serving as Speaker. Each member shall also receive a per diem of Thirty Dollars (\$30) for each day during each Regular and Special Session of the Legislature.

(b) No Regular Session shall be of longer duration than one hundred and forty (140) days.

(c) In addition to the per diem the Members of each House shall be entitled to mileage at the same rate as prescribed by law for employees of the State of Texas. [~~This amendment takes--effect on-April-22,-1975-~~]

(d) Until the convening of the Regular Session of the 72nd Legislature in 1991, the Members of the Legislature and the Speaker

1 of the House of Representatives shall receive compensation in the  
2 amounts prescribed by law on January 1, 1989. This subsection  
3 expires January 1, 1992.

4 SECTION 2. If the voters of this state approve the ballot  
5 proposition required by Section 5(b) of this resolution and  
6 disapprove the ballot proposition required by Section 5(a) of this  
7 resolution, Article III, Section 24, of the Texas Constitution is  
8 amended to read as follows:

9 Sec. 24. (a) Members of the Legislature shall receive from  
10 the Public Treasury a salary of Six Hundred Dollars (\$600) per  
11 month. Each member shall also receive a per diem [~~of--Thirty~~  
12 ~~Dollars--(\$30)~~] for each day during each Regular and Special Session  
13 of the Legislature. The per diem allowed during a calendar year is  
14 in an amount equal to the maximum amount allowed as of January 1 of  
15 that year for federal income tax purposes as a deduction for living  
16 expenses incurred in a legislative day by a state legislator in  
17 connection with the legislator's business as a legislator,  
18 disregarding any exception in federal law for legislators residing  
19 near the capitol.

20 (b) No Regular Session shall be of longer duration than one  
21 hundred and forty (140) days.

22 (c) In addition to the per diem the Members of each House  
23 shall be entitled to mileage at the same rate as prescribed by law  
24 for employees of the State of Texas. [~~This-amendment-takes-effect~~  
25 ~~on-April-227-1975-~~]

26 (d) Until the convening of the Regular Session of the 72nd  
27 Legislature in 1991, the Members of the Legislature shall receive

1 per diem in the amounts prescribed by law on January 1, 1989. This  
2 subsection expires January 1, 1992.

3 SECTION 3. If the voters of this state approve the ballot  
4 propositions required by Sections 5(a) and 5(b) of this resolution,  
5 Article III, Section 24, of the Texas Constitution is amended to  
6 read as follows:

7 Sec. 24. (a) Members of the Legislature shall receive from  
8 the Public Treasury a salary equal to one-fourth of the salary  
9 provided by law for the Governor [~~of Six-Hundred-Dollars-(\$600)-per~~  
10 ~~month~~]. The Speaker of the House of Representatives shall receive  
11 an additional salary in the same amount for serving as Speaker.  
12 Each member shall also receive a per diem [~~of-Thirty-Dollars-(\$30)~~]  
13 for each day during each Regular and Special Session of the  
14 Legislature. The per diem allowed during a calendar year is in an  
15 amount equal to the maximum amount allowed as of January 1 of that  
16 year for federal income tax purposes as a deduction for living  
17 expenses incurred in a legislative day by a state legislator in  
18 connection with the legislator's business as a legislator,  
19 disregarding any exception in federal law for legislators residing  
20 near the capitol.

21 (b) No Regular Session shall be of longer duration than one  
22 hundred and forty (140) days.

23 (c) In addition to the per diem the Members of each House  
24 shall be entitled to mileage at the same rate as prescribed by law  
25 for employees of the State of Texas. [~~This-amendment-takes--effect~~  
26 ~~on-April-22,--1975-~~]

27 (d) Until the convening of the Regular Session of the 72nd



1 Legislature in 1991, the Members of the Legislature and the Speaker  
 2 of the House of Representatives shall receive compensation and per  
 3 diem in the amounts prescribed by law on January 1, 1989. This  
 4 subsection expires January 1, 1992.

5 SECTION 4. If the voters of this state approve the ballot  
 6 proposition required by Section 5(a) of this resolution, Article  
 7 IV, Section 17, of the Texas Constitution is amended to read as  
 8 follows:

9 Sec. 17. (a) If, during the vacancy in the office of  
 10 Governor, the Lieutenant Governor should die, resign, refuse to  
 11 serve, or be removed from office, or be unable to serve; or if he  
 12 shall be impeached or absent from the State, the President of the  
 13 Senate, for the time being, shall, in like manner, administer the  
 14 Government until he shall be superseded by a Governor or Lieutenant  
 15 Governor.

16 (b) The Lieutenant Governor shall receive a salary equal to  
 17 one-half of the salary provided by law for the Governor and, while  
 18 he acts as President of the Senate, shall receive for his services  
 19 the same [compensation-and] mileage which shall be allowed to the  
 20 members of the Senate, and no more[7--and--during--the--time--he  
 21 administers--the--Government,7-as-Governor,7-he-shall-reeeeive-in-like  
 22 manner-the-same-compensation-which-the-Governor-would-have-reeeeived  
 23 had-he-been-employed-in-the-duties-of-his-office,7-and-no-more]. An  
 24 increase in the emoluments of the Lieutenant Governor does not make  
 25 a member of the Legislature ineligible for the office under Article  
 26 III, Section 18, of this constitution.

27 (c) The President, for the time being, of the Senate, shall,

1 during the time he administers the Government, receive in like  
2 manner the same compensation, which the Governor would have  
3 received had he been employed in the duties of his office.

4 (d) Until the first day of the term of office of Lieutenant  
5 Governor that begins in 1991, the Lieutenant Governor shall receive  
6 compensation in the amount prescribed by law on January 1, 1989.  
7 This subsection expires on January 1, 1992.

8 SECTION 5. (a) The constitutional amendment proposed by  
9 this resolution relating to the salaries of members of the  
10 legislature, the speaker of the house of representatives, and the  
11 lieutenant governor shall be submitted to the voters at an election  
12 to be held November 7, 1989. The ballot shall be printed to  
13 provide for voting for or against the proposition: "The  
14 constitutional amendment to limit the salary of the lieutenant  
15 governor and the speaker of the house of representatives to not  
16 more than one-half of the governor's salary and to limit the salary  
17 of a member of the legislature to not more than one-fourth of the  
18 governor's salary."

19 (b) The constitutional amendment proposed by this resolution  
20 relating to the per diem of members of the legislature shall be  
21 submitted to the voters at an election to be held on the same date  
22 as provided by Subsection (a) of this section for the election  
23 required by that subsection. The ballot shall be printed to  
24 provide for voting for or against the proposition: "The  
25 constitutional amendment to set the amount of per diem received by  
26 a member of the legislature at the amount allowed for federal

H.J.R. No. 102

1 income tax purposes as a deduction for living expenses incurred by  
2 a state legislator in connection with official business."

AMENDMENT NO.

81

By Kreen

Amend H.J.R. 102 as follows:

(1) In Sections 1 and 3, insert the following between Subsection (c) and Subsection (d) of proposed Article III, Section 24, of the Texas Constitution, and redesignate the current Subsection (d) as Subsection (e):

(d) No law, varying the salary of Members of the Legislature, shall take effect, until a general election shall have intervened.

**ADOPTED**

MAY 27 1989

*Kathy King*  
Secretary

AMEND THE CAPTION TO CONFORM  
TO THE BODY OF THE BILL

**ADOPTED**

MAY 27 1989

*[Signature]*

AMENDED

*[Signature]*

# LEGISLATIVE BUDGET BOARD

Austin, Texas

## FISCAL NOTE

May 18, 1989

TO: Honorable John T. Montford, Chairman  
Committee on State Affairs  
Senate Chamber  
Austin, Texas

In Re: House Joint Resolution,  
No. 102, as engrossed  
By: D. Hudson, et. al.

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on House Joint Resolution No. 102, as engrossed (proposing a constitutional amendment relating to the compensation of the lieutenant governor and members of the legislature) this office has determined the following:

The resolution proposes a constitutional amendment consisting of two propositions which, if adopted, would increase the salary and per diem of members of the Legislature and the Lieutenant Governor.

The first proposition would set the salary of members of the Legislature at one-fourth of the Governor's salary and set the salary for the Lieutenant Governor and the Speaker of the House of Representatives at one-half of the Governor's salary.

The second proposition would set the per diem for members of the Legislature at the maximum level allowed for federal income tax purposes as a deduction as living expenses incurred in a legislative day by a state legislator.

The increase in salary and per diem for the Speaker of the House of Representatives and members of the Legislature would take effect at the time the Regular Session of the Seventy-second Legislature convenes. The increase for the Lieutenant Governor would take effect on the first day of the term for the office of Lieutenant Governor that begins in 1991.

The salary increase for the Lieutenant Governor would not make members of the Legislature ineligible for the office of Lieutenant Governor.

The proposed amendment would be submitted to the voters on November 7, 1989.

The cost of publication of the resolution to the State is estimated to be \$60,000.

The probable cost of implementing the provisions of the bill during each of the first five years following passage is estimated as follows:

<u>Fiscal Year</u>	<u>Probable Cost Out of the General Revenue Fund</u>
1990	\$ -0-
1991	3,291,000
1992	3,536,000
1993	4,828,000
1994	3,536,000

The fiscal implication to the State would depend on the salary of the Governor as set in the General Appropriations Act. The estimate assumes the Governor's salary is continued at the current level. The estimate assumes that legislative per diem would be \$81, the current maximum allowed as a federal income tax deduction.

Similar annual costs would continue as long as the provisions of the bill are in effect.

No fiscal implication to units of local government is anticipated.

Source: Comptroller of Public Accounts;  
LBB Staff: JO, JWH, AL, RS, BL

# LEGISLATIVE BUDGET BOARD

Austin, Texas

## FISCAL NOTE

May 8, 1989

TO: Honorable James E. "Pete" Laney, Chair  
Committee on State Affairs  
House of Representatives  
Austin, Texas

In Re: Committee Substitute  
for House Joint  
Resolution No. 102

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Committee Substitute for House Joint Resolution No. 102 (proposing a constitutional amendment relating to the compensation of the lieutenant governor and members of the legislature) this office has determined the following:

The resolution proposes a constitutional amendment which, if adopted, would set the salary of members of the Legislature at one-fourth of the Governor's salary and set the salary for the Lieutenant Governor and the Speaker of the House of Representatives at one-half of the Governor's salary. The increase for the Speaker of the House of Representatives and members of the Legislature would take effect at the time the Regular Session of the Seventy-second Legislature convenes. The increase for the Lieutenant Governor would take effect on the first day of the term for the office of Lieutenant Governor that begins in 1991.

The salary increase for the Lieutenant Governor would not make members of the Legislature ineligible for the office of Lieutenant Governor.

The proposed amendment would be submitted to the voters on November 7, 1989.

The cost of publication of the resolution to the State is estimated to be \$60,000.

The probable cost of implementing the provisions of the bill during each of the first five years following passage is estimated as follows:

<u>Fiscal Year</u>	<u>Probable Cost Out of the General Revenue Fund</u>
1990	\$ -0-
1991	1,999,000
1992	3,536,000
1993	3,536,000
1994	3,536,000

The fiscal implication to the State would depend on the salary of the Governor as set in the General Appropriations Act. The estimate assumes the Governor's salary is continued at the current level.

No fiscal implication to units of local government is anticipated.

Criminal Justice Policy Impact Statement: No change in the sanctions applicable to adults convicted of felony crimes is anticipated.

Source: Comptroller of Public Accounts;  
LBB Staff: JO, JWH, AL, RS, PA

# LEGISLATIVE BUDGET BOARD

Austin, Texas

## FISCAL NOTE

April 24, 1989

TO: Honorable James E. "Pete" Laney, Chair  
Committee on State Affairs  
House of Representatives  
Austin, Texas

In Re: House Joint  
Resolution No. 102  
By: D. Hudson, et al.

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on House Joint Resolution No. 102 (proposing a constitutional amendment relating to the compensation of the lieutenant governor and members of the legislature) this office has determined the following:

The resolution proposes a constitutional amendment which, if adopted, would set the salary of members of the Legislature at one-fourth of the Governor's salary and set the salary for the Lieutenant Governor and the Speaker of the House of Representatives at one-half of the Governor's salary.

The salary increase for the Lieutenant Governor would not make members of the Legislature ineligible for the office of Lieutenant Governor.

The proposed amendment would be submitted to the voters on November 7, 1989.

The cost of publication of the resolution to the State is estimated to be \$60,000.

The probable cost of implementing the provisions of the bill during each of the first five years following passage is estimated as follows:

<u>Fiscal Year</u>	<u>Probable Cost Out of the General Revenue Fund</u>
1990	\$3,536,000
1991	3,536,000
1992	3,536,000
1993	3,536,000
1994	3,536,000

The fiscal implication to the State would depend on the salary of the Governor as set in the General Appropriations Act. The estimate assumes if the Governor's salary is continued at the current level.

No fiscal implication to units of local government is anticipated.

Criminal Justice Policy Impact Statement: No change in the sanctions applicable to adults convicted of felony crimes is anticipated.

Source: Comptroller of Public Accounts;  
LBB Staff: JO, JWH, AL, RS, PA



## ENROLLED

H.J.R. No. 102

### A JOINT RESOLUTION

proposing a constitutional amendment relating to the compensation of the lieutenant governor and members of the legislature.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. If the voters of this state approve the ballot proposition required by Section 5(a) of this resolution and disapprove the ballot proposition required by Section 5(b) of this resolution, Article III, Section 24, of the Texas Constitution is amended to read as follows:

Sec. 24. (a) Members of the Legislature shall receive from the Public Treasury a salary equal to one-fourth of the salary provided by law for the Governor [~~of Six Hundred Dollars (\$600) per month~~]. The Speaker of the House of Representatives shall receive an additional salary in the same amount for serving as Speaker.

Each member shall also receive a per diem of Thirty Dollars (\$30) for each day during each Regular and Special Session of the Legislature.

(b) No Regular Session shall be of longer duration than one hundred and forty (140) days.

(c) In addition to the per diem the Members of each House shall be entitled to mileage at the same rate as prescribed by law for employees of the State of Texas. [~~This amendment takes effect on April 22, 1975.~~]

(d) No law varying the salary of Members of the Legislature shall take effect until a general election shall have intervened.

1        (e) Until the convening of the Regular Session of the 72nd  
2        Legislature in 1991, the Members of the Legislature and the Speaker  
3        of the House of Representatives shall receive compensation in the  
4        amounts prescribed by law on January 1, 1989. This subsection  
5        expires January 1, 1992.

6        SECTION 2. If the voters of this state approve the ballot  
7        proposition required by Section 5(b) of this resolution and  
8        disapprove the ballot proposition required by Section 5(a) of this  
9        resolution, Article III, Section 24, of the Texas Constitution is  
10       amended to read as follows:

11       Sec. 24. (a) Members of the Legislature shall receive from  
12       the Public Treasury a salary of Six Hundred Dollars (\$600) per  
13       month. Each member shall also receive a per diem [~~of--Thirty~~  
14       Dollars-(\$30)] for each day during each Regular and Special Session  
15       of the Legislature. The per diem allowed during a calendar year is  
16       in an amount equal to the maximum amount allowed as of January 1 of  
17       that year for federal income tax purposes as a deduction for living  
18       expenses incurred in a legislative day by a state legislator in  
19       connection with the legislator's business as a legislator,  
20       disregarding any exception in federal law for legislators residing  
21       near the capitol.

22       (b) No Regular Session shall be of longer duration than one  
23       hundred and forty (140) days.

24       (c) In addition to the per diem the Members of each House  
25       shall be entitled to mileage at the same rate as prescribed by law  
26       for employees of the State of Texas. [~~This amendment takes effect~~  
27       on April 22, 1975.]

1        (d) Until the convening of the Regular Session of the 72nd  
2        Legislature in 1991, the Members of the Legislature shall receive  
3        per diem in the amounts prescribed by law on January 1, 1989. This  
4        subsection expires January 1, 1992.

5        SECTION 3. If the voters of this state approve the ballot  
6        propositions required by Sections 5(a) and 5(b) of this resolution,  
7        Article III, Section 24, of the Texas Constitution is amended to  
8        read as follows:

9        Sec. 24. (a) Members of the Legislature shall receive from  
10       the Public Treasury a salary equal to one-fourth of the salary  
11       provided by law for the Governor [~~of Six Hundred Dollars (\$600)~~-per  
12       month]. The Speaker of the House of Representatives shall receive  
13       an additional salary in the same amount for serving as Speaker.  
14       Each member shall also receive a per diem [~~of Thirty Dollars (\$30)~~]  
15       for each day during each Regular and Special Session of the  
16       Legislature. The per diem allowed during a calendar year is in an  
17       amount equal to the maximum amount allowed as of January 1 of that  
18       year for federal income tax purposes as a deduction for living  
19       expenses incurred in a legislative day by a state legislator in  
20       connection with the legislator's business as a legislator,  
21       disregarding any exception in federal law for legislators residing  
22       near the capitol.

23       (b) No Regular Session shall be of longer duration than one  
24       hundred and forty (140) days.

25       (c) In addition to the per diem the Members of each House  
26       shall be entitled to mileage at the same rate as prescribed by law  
27       for employees of the State of Texas. [This-amendment-takes--effect

1 ~~on-April-22-1975-~~ ]

2       (d) No law varying the salary of Members of the Legislature  
3 shall take effect until a general election shall have intervened.

4       (e) Until the convening of the Regular Session of the 72nd  
5 Legislature in 1991, the Members of the Legislature and the Speaker  
6 of the House of Representatives shall receive compensation and per  
7 diem in the amounts prescribed by law on January 1, 1989. This  
8 subsection expires January 1, 1992.

9       SECTION 4. If the voters of this state approve the ballot  
10 proposition required by Section 5(a) of this resolution, Article  
11 IV, Section 17, of the Texas Constitution is amended to read as  
12 follows:

13       Sec. 17. (a) If, during the vacancy in the office of  
14 Governor, the Lieutenant Governor should die, resign, refuse to  
15 serve, or be removed from office, or be unable to serve; or if he  
16 shall be impeached or absent from the State, the President of the  
17 Senate, for the time being, shall, in like manner, administer the  
18 Government until he shall be superseded by a Governor or Lieutenant  
19 Governor.

20       (b) The Lieutenant Governor shall receive a salary equal to  
21 one-half of the salary provided by law for the Governor and, while  
22 he acts as President of the Senate, shall receive for his services  
23 the same [compensation-and] mileage which shall be allowed to the  
24 members of the Senate, and no more[;--and--during--the--time--he  
25 administers--the--Government,--as-Governor,--he-shall-receive-in-like  
26 manner-the-same-compensation-which-the-Governor-would-have-received  
27 had-he-been-employed-in-the-duties-of-his-office,--and-no-more]. An

1 increase in the emoluments of the Lieutenant Governor does not make  
2 a member of the Legislature ineligible for the office under Article  
3 III, Section 18, of this constitution.

4 (c) The President, for the time being, of the Senate, shall,  
5 during the time he administers the Government, receive in like  
6 manner the same compensation, which the Governor would have  
7 received had he been employed in the duties of his office.

8 (d) Until the first day of the term of office of Lieutenant  
9 Governor that begins in 1991, the Lieutenant Governor shall receive  
10 compensation in the amount prescribed by law on January 1, 1989.  
11 This subsection expires on January 1, 1992.

12 SECTION 5. (a) The constitutional amendment proposed by  
13 this resolution relating to the salaries of members of the  
14 legislature, the speaker of the house of representatives, and the  
15 lieutenant governor shall be submitted to the voters at an election  
16 to be held November 7, 1989. The ballot shall be printed to  
17 provide for voting for or against the proposition: "The  
18 constitutional amendment to limit the salary of the lieutenant  
19 governor and the speaker of the house of representatives to not  
20 more than one-half of the governor's salary and to limit the salary  
21 of a member of the legislature to not more than one-fourth of the  
22 governor's salary."

23 (b) The constitutional amendment proposed by this resolution  
24 relating to the per diem of members of the legislature shall be  
25 submitted to the voters at an election to be held on the same date  
26 as provided by Subsection (a) of this section for the election  
27 required by that subsection. The ballot shall be printed to

H.J.R. No. 102

1 provide for voting for or against the proposition: "The  
2 constitutional amendment to set the amount of per diem received by  
3 a member of the legislature at the amount allowed for federal  
4 income tax purposes as a deduction for living expenses incurred by  
5 a state legislator in connection with official business."

H.J.R. No. 102

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President of the Senate

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Speaker of the House

I certify that H.J.R. No. 102 was passed by the House on May 15, 1989, by the following vote: Yeas 103, Nays 39, 1 present, not voting; and that the House concurred in Senate amendments to H.J.R. No. 102 on May 28, 1989, by the following vote: Yeas 120, Nays 22.

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Chief Clerk of the House

I certify that H.J.R. No. 102 was passed by the Senate, with amendments, on May 27, 1989, by the following vote: Yeas 21, Nays 7.

---

Secretary of the Senate

RECEIVED: \_\_\_\_\_

Date

---

Secretary of State

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I certify that H.J.R. No. 102<sup>✓</sup>  
(1) was passed by the House

on May 15<sup>✓</sup>, 1989, by the following vote:  
(2)

Yeas 103<sup>✓</sup>, Nays 39<sup>✓</sup>, 1 present, not voting  
(3) (4)

and that the House concurred in Senate amendments to H.J.R. No. 102  
on May 28<sup>✓</sup>, 1989, by the following  
(5)

vote: Yeas 120<sup>✓</sup>, Nays 22<sup>✓</sup>  
(6) (7)

\_\_\_\_\_  
Chief Clerk of the House

\*\*\*\* Preparation: 'A;CT20;

I certify that H.J.R. No. 102<sup>✓</sup>  
(1) was passed by the Senate, with  
amendments, on May 27<sup>✓</sup>, 1989, by the following  
(2)

vote: Yeas 21<sup>✓</sup>, Nays 7<sup>✓</sup>  
(3) (4)

\_\_\_\_\_  
Secretary of the Senate

RECEIVED:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Secretary of State

\*\*\*\* Preparation: 'A;CT22;



*David Anderson et al*

HOUSE JOINT RESOLUTION

Proposing a constitutional amendment relating to the compensation of the lieutenant governor and members of the legislature

MAR 10 1989

1. Filed with the Chief Clerk.

MAR 20 1989

2. Read first time and referred to Committee on

State Affairs

APR 24 1989

3. Reported favorably (as amended) and sent to Printer at 5:30 pm  
(as substituted)

MAY 2 1989

MAY 3 1989

4. Printed and distributed at 5:58 pm

MAY 9 1989

corrected

7:46 pm

corrected

MAY 4 1989

5. Sent to Committee on Calendars at

11:50 am

MAY 10 1989

corrected Committee report sent to Calendars at 8:40 am

MAY 15 1989

as subs.

6. Read second time (amended) and (finally) passed to Third Reading by a Record Vote of 103 yeas, 39 nays, 1 present, not voting.

7. Motion to reconsider and table the vote by which H.J.R. \_\_\_\_\_ was ordered engrossed prevailed (failed) by (Non-Record Vote) (Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting).

8. Read third time (amended) and finally adopted (failed of adoption) by a Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting.

9. Caption ordered amended to conform to body of resolution.

10. Motion to reconsider and table the vote by which H.J.R. \_\_\_\_\_ was finally adopted prevailed (failed) by a (Non-Record Vote) Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, and \_\_\_\_\_ present, not voting).

MAY 10 1989  
Motion to postpone further consideration of HJR No. 102 until Mon. May 15 at 2 pm prevailed by a non-record vote.

MAY 15 1989

11. Ordered Engrossed at 4:23 pm

MAY 16 1989

12. Engrossed.

MAY 16 1989

13. Returned to Chief Clerk at 1:53 am

MAY 16 1989

14. Sent to the Senate.

*Betty Murray*  
Chief Clerk of the House

MAY 16 1989

15. Received from the House

MAY 17 1989

16. Read, referred to Committee on STATE AFFAIRS

MAY 24 1989

17. Reported favorably

18. Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

19. Ordered not printed.

MAY 27 1989

20. Regular order of business suspended by

(a viva voce vote.)  
19 yeas, 9 nays.)

21. To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays.

MAY 27 1989

22. Read second time amended passed to third reading by: (a viva voce vote.) \_\_\_\_\_ yeas, \_\_\_\_\_ nays.)

MAY 27 1989

23. Caption ordered amended to conform to body of bill.

MAY 27 1989

24. Senate and Constitutional 3-Day Rules suspended by vote of 23 yeas,  
5 nays to place bill on third reading and final passage.

MAY 27 1989

25. Read third time and passed by

(a viva voce vote.)  
( 21 yeas, 7 nays.)

OTHER ACTION:

OTHER ACTION:

*Betty King*

Secretary of the Senate

MAY 27 1989

26. Returned to the House.

MAY 27 1989

27. Received from the Senate (with amendments.)  
(~~as substituted~~)

MAY 28 1989

28. House (Concurred) (~~Refused to Concur~~) in Senate (Amendments) by a (~~Non-Record~~  
(~~Vote~~) (Record Vote of 120 yeas, 22 nays, 0 present, not voting).

29. Conference Committee Ordered.

30. Conference Committee Report Adopted (Rejected) by a (Non-Record Vote) (Record  
Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, and \_\_\_\_\_ present, not voting).

MAY 28 1989

31. Ordered Enrolled at

7:08 pm

89 MAY 16 AM 1:53

HOUSE OF REPRESENTATIVES